

REMARKS

Applicant respectfully traverses the 35 U.S.C. § 102(e) rejection of claims 1, 3, 4, 12, 13, 14, and 17 over Bobroff, and also the § 102(e) rejection of claims 1, 3, 4, 12, 13, 14, and 17 over Safabash. Neither reference anticipates the claims.

Anticipation under § 102(c) requires that each claim feature or limitation is taught, expressly or inherently, in the cited reference.

The present invention, as recited, *e.g.*, in independent claims 1, 14, and 17, and the respective dependent claims 3, 4, 12, and 13, relates to an inserter for a low profile angled infusion set. An inserter housing has mounted therein a retainer slidably mounted for movement between retracted and extended portions, adapted to releasably receive an infusion set, including a cannula and a needle. The cannula and needle define an insertion axis. A tension spring biases the retainer toward the extended position. A base member is connected to the housing, having a lower surface adapted to contact the user's skin, the lower surface and bottom wall defining an acute angle, so that the needle and cannula are guided to be inserted through the skin along the insertion axis. A first release button is provided to release the tension spring. The first release button is oriented so that, when pressed, it moves in a direction substantially normal to the insertion axis.

Orientation of the button so that it is movable in a direction substantially normal to the insertion axis means that when this button is pressed, the pressing force is applied generally normal to the insertion axis. Applying force to the angled set in this direction helps maintain the stability of the device, so the bottom wall of the lower surface does not rock back and forth on the skin surface prior to and during needle insertion.

Bobroff, in contrast, as can best be seen, e.g., in Figs. 1 and 13, includes a cannula and an insertion needle defining an axis inside a housing, but includes spring-release button 38 which, when pressed, travels in a coaxial direction, not a direction substantially normal to the insertion axis. Likewise, Safabash, as best shown, e.g., in Figs. 1 and 13, also discloses a device with a release button 78, which travels, when pushed, in a coaxial direction, not a direction substantially normal to the insertion axis. Therefore, neither Bobroff nor Safabash discloses all of the features of the present invention, and cannot, therefore, anticipate the present claims.

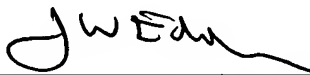
Applicant respectfully submits, in view of the foregoing remarks, that the claims are not anticipated by either of the cited references, and are in condition for allowance. Applicant, therefore, respectfully requests reconsideration and withdrawal of the § 102(e) rejections, and the timely allowance of the pending claims.

Please grant any additional extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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